

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LARRY MEITZNER,

Plaintiff,

Case No. 15-cv-14444

v

Honorable Thomas L. Ludington  
Magistrate Judge Patricia T. Morris

ROBERT P. YOUNG, JR., et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S  
MOTION FOR DEFAULT JUDGMENT AND MOTION TO AMEND, GRANTING  
DEFENDANTS' MOTION TO DISMISS, AND DISMISSING PLAINTIFF'S  
COMPLAINT**

Plaintiff Larry Meitzner, appearing *pro se*, initiated this action on December 23, 2015. ECF No. 1. Meitzner alleges that five justices on the Michigan Supreme Court wrongfully refused to review a “falsified” opinion of the Michigan Court of Appeals that rejected his claims. ECF No. 1. Meitzner alleges that this action constitutes conspiracy in violation of 42 U.S.C. § 1985. *Id.* Meitzner further alleged that the Michigan Supreme Court justices wrongfully used law clerks to assist them. As a remedy, Meitzner requests \$30,000 in compensatory damages, \$20,000,000 in punitive damages, and federal oversight of the Michigan Supreme Court’s use of law clerks. *Id.*

Defendants were served on January 4, 2016. ECF No. 7. On January 25, 2016 Defendants timely filed a joint motion to dismiss. ECF No. 9. On January 28, 2016 Meitzner filed a motion for a default judgment, alleging that Defendants had not timely responded to his complaint. ECF No. 11. Then, on February 16, 2016 Meitzner filed a motion to amend his complaint. ECF No. 12.

On March 3, 2016 Magistrate Judge Patricia T. Morris issued a report recommending that Defendants' motion to dismiss be granted and Meitzner's motion for default and motion to amend be denied. ECF No. 15. The Magistrate Judge notes that this is Meitzner's third suit in a series of suits against Michigan judicial officers based on actions they took while acting within their judicial capacity and jurisdiction, and that Meitzner has been put on notice of the frivolous nature of such actions. As with Meitzner's previous two lawsuits, the Magistrate Judge concludes that Meitzner's instant suit fails to state a claim upon which relief can be granted and is barred by both the *Rooker-Feldman* doctrine and the doctrine of judicial immunity. She therefore recommends dismissing Meitzner's complaint with prejudice.<sup>1</sup>

Although the Magistrate Judge's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation, ECF No. 15, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Larry Meitzner's motion for default judgment, ECF No. 11, is **DENIED**.

It is further **ORDERED** that Plaintiff Larry Meitzner's motion to amend his complaint, ECF No. 12, is **DENIED**.

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<sup>1</sup> The Magistrate Judge's report also recommends imposing sanctions against Meitzner under Rule 11. While sanctions will not be imposed at this time, any further filings by Meitzner against judicial officers based on actions they took while acting within their judicial capacity and jurisdiction will likely result in sanctions.

It is further **ORDERED** that Defendants' motion to dismiss, ECF No. 9, is **GRANTED**.

It is further **ORDERED** that Plaintiff Larry Meitzner's complaint, ECF No. 1, is **DISMISSED with prejudice**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: March 22, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 22, 2016.

s/Michael A. Sian  
MICHAEL A. SIAN, Case Manager